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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Raul Barreto, Plaintiff,	) Case Number 17-1483 JSC
vs,	)
	)
Kim Chang Nyun, et al., Defendants.	) STIPULATION AND [PROPOSED] ORDER
	) TO EXTEND TIME UNDER F.R.C.P. 12(f)
	)
	)
	)
	)

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO ALL PARTIES AND THEIR

RESPECTIVE ATTORNEYS OF RECORD:

WHEREAS, this case has been assigned for early disclosures and mediation under General

Order 56, and the parties to this stipulation want to make best efforts to settle this case without

unnecessary litigation; and

WHEREAS, Defendants Kiman Moon and Jeung Sun Moon ("Defendants") filed their

answer on June 1, 2017, and therefore Plaintiff's deadline for filing a motion under FRCP 12(f) to

strike insufficient defenses from the answer of Kiman Moon and Jeung Sun Moon is June 22,

2017 (i.e. 21 days later); and

WHEREAS, Plaintiff and Defendants have been unable to resolve their disagreements about

Defendants' answer informally, however, they wish to avoid the necessity of Plaintiff filing a Rule

12(f) motion unless/until mediation pursuant to General Order No. 56, Paragraph 7 does not

succeed;

THEREFORE:

IT IS HEREBY STIPULATED by and among Plaintiff and defendants Kiman Moon and

Jeung Sun Moon, that the deadline for Plaintiff to file any motion with respect to the answer filed

by Kiman Moon and Jeung Sun Moon under Federal Rule of Civil Procedure 12(f) be extended to

21 days past the date that the mediator certifies that the mediation under General Order 56 has been completed. It is also stipulated that (1) Plaintiff and these defendants Kiman Moon and Jeung Sun Moon shall meet and confer within seven (7) days after the mediation has been certified as completed; (2) that these Defendants shall thereafter be allowed an opportunity to voluntarily amend their answer prior to Plaintiff filing any rule 12(f) motion; (3) that any amended answer shall be filed no later than seven (7) days after Plaintiff and defendants Kiiman Moon and Jeung Sun Moon meet and confer.

Law Offices of Richard A. Mac Bride

Richard Mac Bride /s/ Richard A. Mac Bride   Date: June 7, 2017

Attorney for Plaintiff Raul Barreto

McNamara, Ney, Beatty et al.

Nolan S. Armstrong /s/ Nolan S. Armstrong   Date: June 7, 2017

Attorney for defendants Kiman Moon and Jeung Sun Moon

FILER'S ATTESTATION

Pursuant to General Order 45, Section X(B), I hereby attest that on June 7, 2017, I, Richard A. Mac Bride, the attorney of record for plaintiff herein, received the concurrence of attorney Nolan S. Armstrong, attorney for defendants Kiman Moon and Jeung Sun Moon, in the filing of this document.

/s/ Richard A. Mac Bride

Richard A. Mac Bride

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2   ORDER

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4 Pursuant to the stipulation of Plaintiff Raul Barreto and defendants Kiman Moon and Jeung Sun

5 Moon, and for good cause shown, it is hereby ORDERED, that the deadline for plaintiff to file any

6 motion under Federal Rule of Civil Procedure 12(f) be extended to 21 days past the date that the

7 mediator certifies that mediation under General Order 56 has been completed. Plaintiff and

8 defendants Kiman Moon and Jeung Sun Moon shall meet and confer within seven (7) days after the

9 mediation has been certified as being completed. Kiman Moon and Jeung Sun Moon shall thereafter

10 have an opportunity to voluntarily amend their answer prior to plaintiff filing any Rule 12(f) motion

11 with respect to the answer filed by Kiman Moon and Jeung Sun Moon. Any amended answer shall

12 be filed no later than seven (7) days after the parties meet and confer.

13 IT IS SO ORDERED.

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15 Date: __June 9, 2017__, 2017   _____

16   Joseph C. Spero

17   United States Magistrate Judge

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